

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education
DIVISION Public School Finance
DIVISION DIRECTOR Patricia Martin
CONTACT PERSON Patricia Martin
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? **Repeal of Rules and Regulations Governing the Funding of Alternative Learning Environments.**
- 2. What is the subject of the proposed rule?
To repeal Rules and Regulations Governing the Funding of Alternative Learning Environments.
- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No X
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?
Yes _____ No X
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes X No _____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes _____ No X If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. A.C.A. 6-18-508, and 6-18-509 (Supp. 1997), as amended by Act 1549 or 1999, Section 19(f).

7. What is the purpose of this proposed rule? Why is it necessary? **To repeal Rules and Regulations Governing the Funding of Alternative Learning Environments.**

8. Will a public hearing be held on this proposed rule? Yes X No _____
If yes, please complete the following:

Date: May 12, 2004

Time: 1-4 PM

Place: ADE Auditorium, Little Rock, AR

9. When does the public comment period expire for permanent promulgation? (Must provide a date.)

May 13, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.)

July 1, 2004

11. Do you expect this rule to be controversial? Yes _____ No X
If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

- **Arkansas Association of Educational Administrators**
- **Arkansas School Boards Association**
- **Arkansas Association of School Business Officials**
- **Arkansas Education Association**
- **Arkansas Education Service Cooperatives**

SUMMARY

This rule is being repealed.

FINANCIAL IMPACT STATEMENT

DEPARTMENT Education
DIVISION Public School Finance
PERSON COMPLETING THIS STATEMENT Patricia Martin
TELEPHONE NO. 682-5124 FAX NO. 682-9035 EMAIL pmartin@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Rules and Regulations Governing the Funding of Alternative Learning Environments.

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes _____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: **Repeal of Rules and Regulations Governing the Funding of Alternative Learning Environments.**

Summary Description of Regulatory Proposal: **To repeal Rules and Regulations Governing the Funding of Alternative Learning Environments.**

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- III. Additional Comments.

Prepared by: Patricia Martin
Assistant Director, Public School Finance
April 12, 2004

~~Arkansas Department of Education Rules and Regulations Governing
the Funding of Alternative Learning Environments
February 2002~~

~~1.00 Regulatory Authority~~

~~1.01 These rules and regulations shall be known as the
Arkansas Department of Education Rules and
Regulations Governing the Funding of Alternative
Learning Environments.~~

~~1.02 These rules and regulations are enacted pursuant to the
authority of the State Board of Education under Ark.
Code Ann. §§6-20-323 and 6-11-105.~~

~~2.00 Purpose~~

~~The purpose of these rules and regulations is to establish a
mechanism for the funding of eligible Alternative Learning
Environments.~~

~~3.00 Definitions~~

~~3.01 The Department. The Arkansas Department of
Education.~~

~~3.02 Alternative Learning Environment (ALE). An environment
conducive to learning, in compliance with Ark. Code Ann.
§§ 6-18-508, and 6-18-509 (Supp. 1997), as amended by
Act 1549 of 1999, Section 19(f).~~

~~3.03 Eligible ALE. An ALE consisting of a non-traditional or
flexible instructional program, designed to improve
student achievement in the core academic subjects which
the students could not achieve in a regular classroom
environment, and which meets the eligibility requirements
for funding purposes.~~

~~3.04 Alternative Learning Student. A student enrolled in an
eligible ALE for a minimum of twenty (20) consecutive
days per school year.~~

~~3.05 Full Time Equivalent (FTE) Alternative Learning Student.
An alternative learning student who has at least six (6)
hours per day of student/teacher interaction time in the
ALE.~~

~~3.06 Half Time Equivalent Alternative Learning Student. An
alternative learning student who has at least three (3)
hours per day of student/teacher interaction time in the
ALE.~~

~~3.07 Quarter Time Equivalent Alternative Learning Student. An alternative learning student in Kindergarten through Grade 6 who has at least one and one half (1 ½) hours per day of student/teacher interaction time in the ALE.~~

~~4.00 Alternative Learning Environment Eligibility Requirements~~

~~4.01 To receive funding, an eligible ALE must meet the following eligibility requirements:~~

~~4.01.1 Have students supervised by a currently licensed teacher.~~

~~4.01.2 Have a student/teacher ratio in the ALE of no more than twenty (20) to one (1). If an aide is employed in addition to a licensed supervisor, the student/teacher ratio shall be no more than twenty two (22) to one (1).~~

~~4.01.3 Provide each alternative learning student access to the services of a school counselor or a mental health professional.~~

~~4.01.4 Provide a curriculum including mathematics, science, social studies, and language arts correlated with the regular classroom instruction or with the standards for the tests of General Educational Development (GED).~~

~~4.02 The Department shall randomly monitor school districts to ensure that ALEs have been established, are conducive to learning, and are providing intervention services designed to address individual needs of students. Each school district shall be monitored at least once every three (3) years.~~

~~5.00 Funding for Alternative Learning Environments~~

~~5.01 Funding shall be based on the current year's total FTE of alternative learning students enrolled in eligible ALEs.~~

~~5.02 The Department shall calculate a funding factor equal to the amount of funds budgeted for ALEs divided by the total statewide results of Section 5.01.~~

~~5.03 For each eligible ALE, the Department shall distribute funds equal to the school district's FTE of alternative learning students times the results of Section 5.02.~~

~~5.04 — These funds shall be distributed in two installments.~~

~~5.04.1 — The first installment will be calculated using the FTE of alternative learning students documented at the end of the first quarter. This installment will distribute 25% of the funds budgeted.~~

~~5.04.2 — The second installment will be calculated using the FTE of alternative learning students documented at the end of the third quarter. This installment will distribute the remaining funds budgeted. The Department shall calculate the second and final installment to adjust for data changes between the first quarter FTE of alternative learning students and the third quarter FTE of alternative learning students.~~

~~6.00 — Restricted Use of Funds~~

~~6.01 — Any funds received by a local school district under this regulation may only be expended for eligible ALE programs.~~

~~6.02 — Funds distributed shall be exempted from inclusion in calculations of Additional Base Funding (Ark. Code Ann. §6-20-303) and the Federal Range Ratio (34 C.F.R. § 222.61, et seq. (1994)) under the exemption provision for revenues generated for students with special educational needs. (See: 34 C.F.R. § 222.63(c)(3) (1994) and Ark. Code Ann. § 6-20-308(a) (Supp. 1997))~~